

RESTRICTION REQUIREMENT

The Examiner has imposed a Restriction Requirement, requiring election of one of the following three Groups.

Group I: Claims 1-6, drawn to structure, classified in class 28, subclass 408,

Group II: Claims 7 -13, drawn to a bonding method, classified in class 228, subclass 122.1, or

Group III: Claims 14-24, drawn to a tool, classified in class 51, subclass 307.

In response, Applicants provisionally elect Group I, claims 1-6, drawn to structure, classified in class 28, subclass 408 **with traverse**.

Applicants submit that claims 7-13, drawn to a bonding method, classified in class 228, subclass 122.1, are properly included in the present invention. The method claimed in claims 14-24 drawn to a tool, classified in class 51, subclass 307 can be used to form the product claimed in claims 1-6. No additional search will be required. Applicants respectfully request that Groups II, claims 7 -13 and Group III, claims 14-24 be examined in the present application.

Alternately, Applicants reserve their right to rejoinder of the non-elected claims prior to a notice of allowance for the elected claims of Group I in accordance with the guidance given by the Commissioner of Patents and Trademarks in 1184 OG 86. See *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1996). See also, MPEP §821.04, which states:

Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or process. See MPEP Section 806.05(f) and Section 806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 C.F.R. 1.142. See MPEP Section 809.02(c) and Section 821 through Section 821.03. However, if applicant elects claims directed to

the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Thus, Applicants reserve the right to amend the claims of Group II and Group III to include all the limitations of the product claims and rejoin them once claims 1-6 are allowed.

CONCLUSION

In view of the above remarks, withdrawal of this restriction requirement is respectfully requested.

If the Examiner is aware of another method to make the product as claimed, using a process which is materially different from that set forth in the restricted claims, applicant respectfully requests the Examiner to substantiate his position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-6, 7-13 and 14-24 presently pending in this application be examined.

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Respectfully submitted,

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